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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,002	02/26/2002	Jeffrey L. Allen	47089-00040	4279

30223 7590 01/08/2007  
JENKENS & GILCHRIST, P.C.  
225 WEST WASHINGTON  
SUITE 2600  
CHICAGO, IL 60606

EXAMINER
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EPSHTEYN, ALEXANDER

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/083,002

Applicant(s)

ALLEN, JEFFREY L.

Examiner

Alex Epshteyn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 50-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 50-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (US Patent 6,394,899) in view of Kelly et al. (US Patent 6,293,865).

Regarding claims 50 and 59, Walker teaches of a system for providing tournaments among players of an amusement game device comprising one or more game devices adapted for communication over a network, the one or more gaming devices being operated in a plurality of locations (1: 28-50). Walker does not explicitly teach of having servers adapted for communication with the gaming devices over a network, however it is inherent to a system such as taught by Walker that if a network is operated, a server must exist to monitor and organize such a network. Further, as shown on figure 1, the player computing systems are linked to a computer system, which is the operator. Such an operator computer system is the server of the gaming network. The operator being the server can group the gaming group and the award pool based on the location of the game devices, each of the collective award pools are defined based on the geographic locations of the gaming devices (6: 25-30). Walker also teaches of one or more databases adapted for communication with the servers

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over the network, where the databases store player information pertaining to the game tournament (5: 8-21).

Walker fails to teach of a tournament web page to allow player selection of awards. Such functionality is well known in the art for prize selection and as an example is taught by Kelly. Kelly teaches of a player tournament network including a plurality of player gaming stations, a server, and a prize selection screen for allowing a user to select a prize using the winnings of the underlying tournament game (5: 34-46). It would be obvious for one skilled in the art to incorporate the prize selection embodiment of Kelly into the system of Walker to allow for more functionality in prize selection for Walker in that a user can select a prize from a wide variety of sources. This would also benefit the advertising embodiment that Walker teaches (5: 1-7) since the system of Walker can allow the player to use their prize winnings to selectively choose a prize based on the advertisement shown in the game. This would in turn increase the revenue due to advertisements of the system of Walker.

Regarding claims 51 and 52, the network of Walker is an Internet network and the gaming devices are provided with keyboards (3: 20-47). Also, as can be seen from figure 1, the gaming devices are user computers and personal computers are well known in the art to include a mouse peripheral, which can be used to navigate a selection screen.

Regarding claims 53 -56, the servers of Walker are adapted to organize award levels based on player performance in a tournament and to offer specific award levels to players who have achieved predetermined criteria in the tournaments, where the

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predetermined criteria involve player rankings, ratings, or the average level of player achievement in the tournament (5: 8-20).

Regarding claim 57, while Walker only teaches of one embodiment of a game to be played on his system, it would be obvious for one skilled in the art to add a plurality of different games that are able to be played using the tournament style of Walker. Kelly teaches of one such embodiment of a networked tournament game that can include a plurality of different types of games (abstract). It would be obvious for one skilled in the art to adapt the tournament network style game play of Walker and involve a plurality of different games such as Kelly teaches so as to increase the entertainment value of Walker.

Regarding claim 58, Walker teaches of a game that involves a puzzle game (abstract).

Regarding claim 60, the amusement game devices of Walker are adapted to award players of the gaming devices with prizes based upon the accumulation of at least one statistic among all amusement game devices in at least one collective award pool (5: 8-21).

Regarding claim 61, the statistic can be based on the total money input into the gaming device (6: 25-30).

Regarding claim 62, while Walker does not explicitly teach of a bonus game as a result of a certain achievement in the original tournament game, it would be obvious for one skilled in the art to include a bonus game as part of Walker since bonus games typically result in heightened interest and amusement in game play. US Patent

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6,884,167, also issued to Walker, provides an example of the well-known concept of bonus games in underlying games and also in tournament play modes.

Regarding claims 62-65, it is described above how it would be obvious for one skilled in the art to include a bonus game in the invention of Walker. It would further be a matter of design choice for one skilled in the art to make the bonus game any additional type of game that is well known in the art such as a trivia game or a puzzle game. Walker himself teaches of a trivia and a puzzle game and thus it would be obvious to include another version of the game as a bonus embodiment.

### ***Response to Arguments***

Applicant's arguments with respect to claim have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex Epshteyn whose telephone number is 571-272-5561. The examiner can normally be reached on M-F 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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XUAN M. THAI  
SUPERVISORY PATENT EXAMINER  
TC3700